

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARCUS KELLEY, #247375,

Plaintiff,

CIVIL ACTION NO. 11-13116

v.

DISTRICT JUDGE VICTORIA A. ROBERTS

MARC FERGUSON, TIM NORTON,
PANKEY, BEARER, WHEATCROFT,
McDOUGAL, MILES, MYERS,
RUSHTON, WILSON, GIOLITTI,
McDONALD, ROBERTS, HOWDEN,
WOOD, GARCIA, MILLER, JOHN
DOE, MICHAEL BOUCHARD, CITY
OF PONTIAC, COUNTY OF OAKLAND,
SHELTROWNE, and DELAGARZA,

MAGISTRATE JUDGE MARK A. RANDON

Defendants.

ORDER STAYING CASE PENDING
APPOINTMENT OF PRO BONO COUNSEL

This matter is before the Court on Plaintiff's Motion for Appointment of Counsel (Dkt. No. 14). Plaintiff filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff is an inmate currently confined at the Oakland County Jail in Pontiac, Michigan. Although there is no right to counsel in civil cases, this Court will explore whether *pro bono* counsel will represent Plaintiff. Plaintiff would benefit from the assistance of counsel.

The Court notes that “[a]ppointment of counsel in a civil case is not a constitutional right.” *See Lavado v. Keohane*, 992 F.2d 601, 605 (6th Cir. 1993). However, in its discretion, a court may appoint an attorney to represent any person unable to afford counsel. Therefore,

IT IS ORDERED that this matter is referred to the Court's *pro bono* program for the appointment of counsel.

IT IS FURTHER ORDERED that if reasonable efforts to assign *pro bono* counsel are unsuccessful, this matter will be returned to the Court's docket and Plaintiff may proceed *pro se*.

IT IS FURTHER ORDERED that further proceedings in this case are hereby stayed pending whether counsel is appointed or Plaintiff proceeds *pro se*.

So Ordered.

s/Mark A. Randon
MARK A. RANDON
UNITED STATES MAGISTRATE JUDGE

Dated: February 13, 2012

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on the attorneys and/or parties of record by electronic means or U.S. Mail on February 13, 2012.

s/Melody R. Miles
Case Manager to Magistrate Judge Mark A. Randon
(313) 234-5542